

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES  
Plaintiff

Hon. William Alsup  
#14-0306 WHA

v

LUKE BRUGNARA,  
Defendant

EMERGENCY  
MOTION FOR  
IMMEDIATE  
RELEASE DUE TO  
SENTENCE  
COMPLETION  
(UNLAWFUL  
IMPRISONMENT)

**RECEIVED**

OCT 08 2020

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Defendant, Luke Brugnara ("Brugnara"), makes this EMERGENCY MOTION to this Court for IMMEDIATE RELEASE from Santa Rita Jail because his sentence, ordered in this Court, was completed on October 2, 2020. Bureau of Prisons ("BOP") has Brugnara's sentence completion/release date November 26, 2020, however this is erroneous because BOP never re-credited Brugnara 54 days good conduct time ("GCT") taken from Brugnara February 2018 by a DHO (Discipline Hearing Officer) in Sheridan Oregon; but said hearing/incident report was

(2)

Fully expunged / reversed on appeal to BOP Western Regional Director in July 2018.

In summation, Brugnara's Oct. 2020 release date was NEVER RESTORED by BOP after Brugnara won his administrative appeal in July 2018. BOP computer records - SENTRY, as well as BOP inmate locator, affirm that Brugnara's pre-February 2018 release date of Oct. 2020 was never restored after July 2018 when the BOP Western Regional Director expunged / reversed the Feb. 2018 DttO decision, thus restoring Brugnara's 54 days GCT taken by the DttO in February 2018. BOP simply never recredited the 54 days.

Brugnara filed this straight-forward / simple request to this Court and 9th Circuit months ago, but was denied (despite no objection from USA to venue prior to briefing) solely because of venue - both Courts suggested Brugnara file in Texas where Brugnara was imprisoned at that time.

Now, Brugnara is housed in this District at Santa Rita Jail completing his sentence; which is now completed in totality -- with no benefit of

home confinement guaranteed under Federal Law First Step Act, and Equal Protection Under the Law, as BOP Written statement Policy, Public Policy and protocol demand white collar inmates receive home confinement on the final portion of their sentence to re-integrate back into the community and re-establish familial bonds.

Brynnar has been denied these rights guaranteed under Federal Law, and reaffirmed by AG Barr in his 3/26/20 edict/directive to BOP to generously and liberally give home confinement to white-collar inmates in light of the deadly COVID-19 pandemic. Instead, BOP placed Brynnar in the "CESSPOOL" (as described by Judge Alsup) Santa Rita Jail - infested with bugs and COVID-19.

BOP now tries to illegally imprison Brynnar an additional 54 days in this CESSPOOL - beyond his release date of Oct. 2020 - as retaliation for exposing the BOP corruption and illegal/criminal acts by senior

(4)

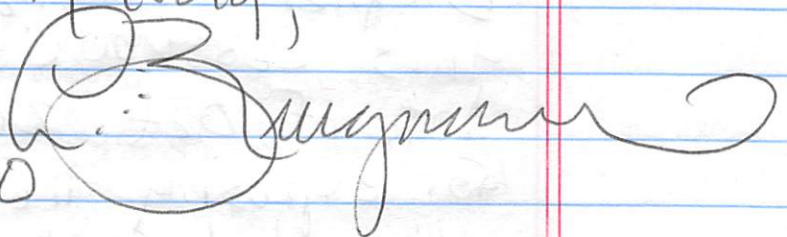
staff at several BOP prisons, as detailed in Brynner's 2255 filings,

Brynner's sentence was/is over October 2, 2020; last Friday. EMPHASIS ADDED  
BOP has done every "dirty trick/deed" it can do to Brynner (sending Brynner thousands of miles from family) home to 8 prisons - 5 high security USP Penitentiaries when Brynner has low points; taking Brynner's 1 year RDAP credit based upon the expunged Feb. 2018 incident, which Brynner won on appeal; denying Brynner home confinement in violation of Federal law, BOP Policy, public policy and A.G. directive).

Brynner requests this Court immediately release today, as irreparable harm is occurring to Brynner and his family, who are in crisis, as detailed in the pending motion in this Court.

Very truly,

10/2/20



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES, Hon. William Alsup  
Plaintiff  
v. 14-0306WHA

LUKE BRUGNARA, DECLARATION OF  
Defendant LUKE BRUGNARA

I, Luke Brugnara, declare the following  
true and correct under penalty of law:

- 1.) My "release date" per BOP Sentry and BOP website from 2016 - February 2018 was October 15, 2020.
- 2.) My "release date" was pushed-out to December 1, 2020 in February 2018 by a DHO from Shendun Oregon based upon a disputed incident report, which the DHO ruled against Brugnara and made the new "release date" Dec. 1, 2020.
- 3.) I appealed the DHO Shendun ruling to the BOP Western Regional Director in March 2018 disputing the DHO ruling and loss of 47 days GTC (54 days as further calculated under First

(2)

- Step Act in July 2019) (20+ days credit under <sup>First</sup> ASP)
- 4) I won my BOP appeal to the Western Regional Director in July 2020 and the DHO ruling was reversed and expunged and the incident report expunged.
- 5) BOP NEVER corrected / re-credited my 54 days GCT to my "release date" after I won my appeal in July 2018. The pre-Feb 2018 release date of Oct. 15, 2020 was never restored by BOP.
- 6) I filed administrative remedies at the Regional and Central Offices to correct this error. Neither office corrected the error. I exhausted the Administrative Remedy process.
- 7) In 2020 I wrote a letter to Central Office BOP in Washington outlining this clear and obvious error to my "release date". I included copies of BOP printouts from my Unit Manager showing that the 54 days GCT was never restored after I won my July 2018 appeal after the Regional Director expunged and reversed the DHO ruling.
- 8) Time is of the essence. My sentence is 100% completed now. I received no benefit of 6 months home con-

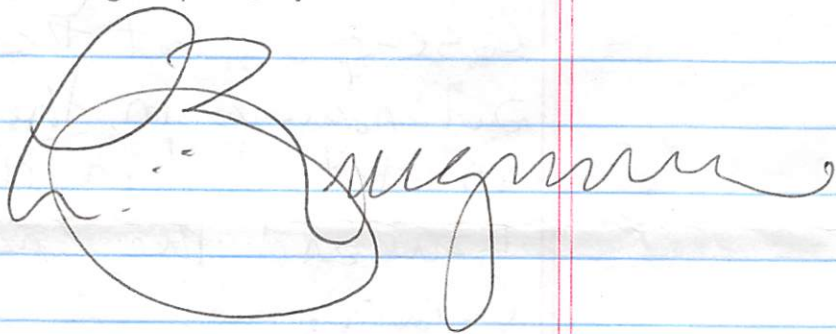
Finement, which is guaranteed under Federal Law First Step Act to white collar inmates, public policy, A.G. Barr directive of 3/26/20 to BOP, BOP Statement Policy 5100.08 and common decency and sense to minimize recidivism, and help integrate me back into my family.

9) BOP recently was admonished and overruled by 2nd Circuit Federal Judge in Manhattan in Cohen's case, where BOP/RRC retaliated against Cohen because they do not like him. This 2nd Circuit Order (5/20) lays the foundation/case-precedent that BOP is no longer <sup>placement</sup> autonomous in their control over inmates, as detailed in the First Step Act Federal Law and the 2nd Circuit order regarding Cohen.

10) My family is in a serious crisis. My son Luke II is very ill with kidney issues, which are perplexing top doctors at UCSF. My family was displaced out of Sec 41ff a few months ago and in need of permanent housing. My daughters are in need of my assistance in their

college applications and decisions, as does my younger son Vincent. I was supposed to be on home confinement several months ago, this denial of my right to home confinement had devastating effects on my wife Kay and our four children. My family is being hurt badly by these never-ending, vindictive assaults to harm our family by keeping me unlawfully imprisoned in a county jail / "cesspool" when I need to be home. MY SENTENCE IS OVER. Every day matters to my children who are in crisis and need me. My sentence is over. I declare under penalty of the foregoing true and correct.

10/2/20



LUKE BRUGNARA ULQ905  
 SANTA RITA JAIL  
 5325 BROWDER BLVD.  
 DUBUN, CA 94568

OAKLAND CA 945

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FOREVER  
 USA

Barn Swallow



UNITED STATES DISTRICT COURT  
 JUDGE ALEXANDER - CLERK -  
 450 GOLDEN GATE AVENUE  
 SAN FRANCISCO, CA 94102

SUSAN Y. SOONG  
 CLERK OF DISTRICT COURT  
 UNITED STATES OF CALIFORNIA



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